

MINUTE ITEM

This Calendar item No. C03
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 3
to 0 at its 9/27/89
meeting.

CALENDAR ITEM

A 1, 3
S 1, 4

C03

09/27/89
PRC 4980
J. Ludlow

RENEWAL OF GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:
Two (2) parcels of submerged land totaling
12.92 acres in Butte Creek near Gridley, Butte
County.

LAND USE: Installation and maintenance of two (2) fish
screens for the diversion of fish to open
waters.

TERMS OF PROPOSED PERMIT:
Initial period: Twenty (20) years beginning
January 1, 1990.

CONSIDERATION: The public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: N/A.

CALENDAR ITEM NO. C 03 (CONT'D)

MINUTE ITEM
The Calendar Item No. C03
was approved by the State
Department of Fish and Game
on 1/30/75
to allow a new installation
of fish screens to the
Butte Creek.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New construction of Small Structures, 14 Cal. Code Regs. 15303.

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.
2. By Minute Item No. 1, approved January 30, 1975, the Commission authorized the installation and maintenance of two fish screens which were never installed in Butte Creek. The Department of Fish and Game now wishes to renew the permit so that the screens can be installed when funds become available.
3. The Applicant has requested a waiver of the required fees due to the overriding public benefit of the project. The fish screens will help to restore the salmon population of Butte Creek which are of scientific and educational benefit to the local colleges (U.C. at Chico and Butte College); of aesthetic benefit to local residents; and support a substantial fishery in the Creek, the Sacramento River, and in the ocean. Most of the benefit will be realized by the spring-run Chinook salmon. Butte Creek is now one of a few streams in the Central Valley that still supports a naturally reproducing population of spring-run salmon.
4. The annual rental value of the site is estimated to be \$1,746.

CALENDAR ITEM NO. 003 (CONT'D)

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

All approvals previously obtained.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES, 14 CAL. CODE REGS. 15303.
2. AUTHORIZE ISSUANCE TO THE DEPARTMENT OF FISH AND GAME OF A TWENTY-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING JANUARY 1, 1990; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE INSTALLATION AND MAINTENANCE OF TWO FISH SCREENS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 4980

LAND DESCRIPTION

Two parcels of submerged land lying in the bed of Butte Creek, Butte and Colusa Counties, California, Described as follows:

PARCEL 1

All that Portion of the north half of section 6, T17N, R1E, MDM, as shown on the U. S. Township Plat approved January 3, 1856, lying westerly of the westerly boundary lines of the U. S. Subdivision Lots 7 and 8, and lying easterly of the easterly boundary lines of said Subdivision lots 1 and 2.

PARCEL 2

All that Portion of the north half of section 18, T17N, R1E, MDM, as shown on said plat, lying westerly of the westerly boundary lines of the U. S. Subdivision Lots 7 and 8, and lying easterly of the easterly boundary lines of said Subdivision lots 1 and 2.

EXCEPTING THEREFROM any portion of Parcel 1 and Parcel 2 lying landward of the ordinary low water marks of Butte Creek.

END OF DESCRIPTION

REVIEWED MARCH 22, 1989 BY BIU 1.

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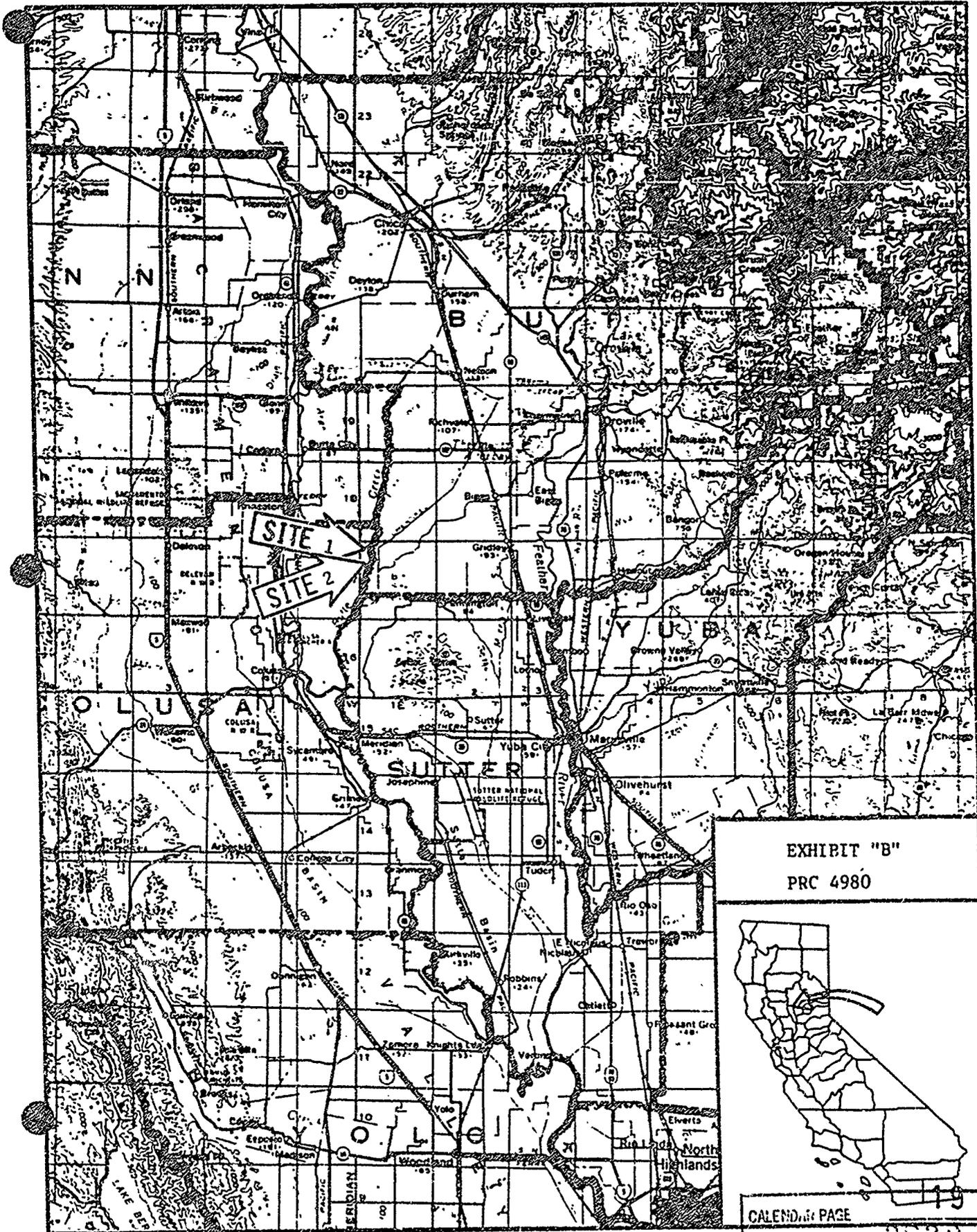


EXHIBIT "B"
PRC 4980



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